

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DOUGLAS DYNAMICS, LLC,)	
)	
Plaintiff)	
)	CIVIL ACTION NO. 14-cv-886
v.)	
)	JURY TRIAL REQUESTED
MEYER PRODUCTS LLC,)	
)	
Defendant)	

COMPLAINT

Plaintiff, for its Complaint, alleges as follows:

THE PARTIES

1. Plaintiff, Douglas Dynamics, LLC (“Douglas Dynamics”), is a Delaware limited liability company having a place of business at 7777 North 73rd Street, Milwaukee, Wisconsin 53223.

2. Plaintiff, Douglas Dynamics, is the owner of all rights and titles to U.S. Patent No. 6,928,757.

3. On information and belief, defendant, Meyer Products LLC (“Meyer”), is an Ohio limited liability company having a business address at 18513 Euclid Avenue, Cleveland, Ohio 44112.

JURISDICTION AND VENUE

4. The defendant, Meyer, upon information and belief, has made, used, offered for sale and/or sold products that infringe or that contribute to the infringement of plaintiff’s United States Patent No. 6,928,757 or has induced others to manufacture, use, sell and/or offer to sell

infringing products in commerce, including without limitation within the State of Wisconsin (including the Western District), and continues to conduct this infringing activity.

5. Upon information and belief, defendant, Meyer, has been and is doing business in Wisconsin (including in the Western District) and operates within Wisconsin (including in the Western District) with a fair measure of permanence and continuity; has purposefully availed itself of the privilege of conducting activities within Wisconsin (including the Western District); has established minimum contacts with Wisconsin (including the Western District), such that it should reasonably and fairly anticipate being hailed into Court in the Western District of Wisconsin; has purposefully directed its activities at residents of Wisconsin; and at least a portion of the patent infringement claim alleged herein arises out of or is related to one or more of the foregoing activities.

6. Defendant, Meyer, is subject to the personal jurisdiction of this Court.

7. This action is brought under the Patent Laws of the United States, United States Code, Title 35 including, without limitation, Sections 271, 281, 283, 284 and 285, and venue and jurisdiction of this court is conferred by United States Code, Title 28, Sections 1338(a), 1391(c) and 1400(b).

STATEMENT OF FACTS

8. Douglas Dynamics, through its division Western Products, manufactures and sells snowplows and related equipment for trucks and sport utility vehicles.

9. United States Patent No. 6,928,757 entitled "Snowplow Mounting Assembly" was issued on August 16, 2005, and has been assigned to plaintiff, Douglas Dynamics, who owns said Patent. A copy of U.S. Patent No. 6,928,757 is attached hereto as Exhibit A.

10. Defendant, Meyer, manufactures and sells snowplow assemblies and related equipment for trucks and sport utility vehicles, including snowplow assemblies having “Ground Tracking Technology” available thereon.

11. A copy of a Meyer Products LLC News Release dated April 30, 2014 announcing “New Ground Tracking TechnologyTM” is annexed hereto as Exhibit B. The News Release states in part: “Available as an option on Meyer Lot ProTM, Road ProTM and Diamond Edge plows, GTT is possible because the moldboard and black iron move around a center pivot point.”

12. A current print-out from the internet page of the defendant at <http://www.meyerproducts.com/groundtracking.aspx> is annexed hereto as Exhibit C and demonstrates the defendant’s accused product. The internet page states in part: “Ground Tracking Technology is standard on Road Pro 32-Series and optional on Lot Pro and Diamond Edge plows.”

13. A current print-out from the internet page of the defendant entitled “Road ProTM 32” from <http://www.meyerproducts.com/plows/roadpro32.aspx> further demonstrating the defendant’s accused product is annexed hereto as Exhibit D.

14. A current print-out from the internet page of the defendant entitled “Lot Pro” from <http://www.meyerproducts.com/plows/rlotpro.aspx> further demonstrating the defendant’s accused product is annexed hereto as Exhibit E.

15. A brochure from defendant entitled “Meyer Road ProTM - Knock Snow Into the Next Zip Code” bearing Identification No. FORM# 3-578 further demonstrates the defendant’s accused product is annexed hereto as Exhibit F.

16. Defendant, Meyer, or those in concert therewith, have shipped accused snowplows, including snowplows having the “Ground Tracking Technology or GTT” into the Western District of Wisconsin and elsewhere.

17. Defendant, Meyer, became aware of Douglas’ U.S. Patent No. 6,928,757 either before or during the development of its “Ground Tracking Technology or GTT”, and well before it first offered any model of Meyer plow for sale. Despite an objectively high likelihood that defendant’s “Ground Tracking Technology or GTT” would infringe one or more of Douglas’ patents, defendant proceeded to make, use, sell and/or offer to sell snowplows including “Ground Tracking Technology or GTT”, in reckless or deliberate disregard of Douglas’ patent rights. The high risk of patent infringement was known to defendant and, in any event, should have been known to defendant.

18. The defendant, by its infringing activity, is causing plaintiff irreparable damage and will continue to do so unless enjoined by this Court.

COUNT I

19. Plaintiff hereby incorporates by reference paragraphs 1-17 as fully set forth herein.

20. Upon information and belief, defendant, Meyer, has been, and is, infringing and/or inducing others to infringe and/or contributing to the infringement of U.S. Patent No. 6,928,757 by making, using, selling and/or offering for sale in Wisconsin and elsewhere snowplows with features that infringe at least one claim of the aforementioned patent, including, without limitation, snowplows including “Ground Tracking Technology or GTT”, and threatens to, and will continue to infringe said Patent, causing plaintiff great and irreparable damage unless enjoined by this Court, said infringement being without consent of plaintiff.

PRAYER FOR RELIEF

WHEREFORE, plaintiff, Douglas Dynamics, LLC, prays for the following relief:

- A. That this Court adjudge United States Patent No. 6,928,757 infringed by defendant.
- B. That defendant's infringement be adjudged willful.
- C. That defendant, its officers, agents, servants, employees, and attorneys, successors and assigns, and all those in active concert or participation with any of them who receive actual notice of the order by personal service or otherwise, be enjoined during the pendency of this action, and permanently thereafter, from infringing said United States Patent 6,928,757 for the remainder of the term for which said Patent has been granted.
- D. That judgment be entered awarding to plaintiff damages together with interest adequate to fully compensate for the infringement of said Patent.
- E. That defendants be ordered to account for and pay to plaintiffs any lost profits or royalties for any convoyed sales of products.
- F. That plaintiff be awarded increased damages as a result of defendant's willful infringement pursuant to 35 U.S.C. § 284.
- G. That an assessment of costs and attorneys' fees for this action be made against the defendants.
- H. That this case be deemed exceptional under 35 U.S.C. § 285.
- I. That defendants be ordered to pay pre-judgment and post-judgment interest on the damages awarded against it.
- J. An award to plaintiffs of such punitive damages as are appropriate in view of the willful conduct on the part of defendants.

K. That plaintiff be granted such other and further relief as the Court may deem just and proper.

Plaintiff hereby requests a trial by JURY.

Respectfully submitted,

s/Aaron T. Olejniczak

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